

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5425 PERMIT 2829 LICENSE 2039

**ORDER APPROVING CHANGES
IN SOURCES, POINTS OF DIVERSION, PLACE OF USE,
AND AMENDING THE LICENSE**

WHEREAS:

1. License 2039 was issued to the Water Users of Williams Tract No. 1 on July 19, 1940, pursuant to Application 5425.
2. License 2039 was filed with the County Recorder of Mono County on July 25, 1940.
3. License 2039 was subsequently assigned to the June Lake Public Utility District (District).
4. A Petition for Change has been filed with the State Water Resources Control Board (SWRCB).
5. On December 22, 1995, the California Sportfishing Protection Alliance's protest was resolved based on a bypass condition for Fern Creek, which shall be included in this Order.
6. The petitioned changes would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
7. The license condition regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the source be amended to read:

1) Unnamed spring tributary to Reversed Creek; and 2) Fern Creek tributary to Reversed Creek thence Rush Creek thence Mono Lake in Mono County. (0000001)

- 1) Unnamed spring tributary to Reversed Creek; and 2) Fern Creek tributary to Reversed Creek thence Rush Creek thence Mono Lake in Mono County. (0000001)
2. The license condition regarding the points of diversion be amended to read:
 - A) South 3,500 feet and West 2,400 feet from NE corner of Section 21, T2S, R26E, MDB&M, being with NW¼ of SE¼ of said Section. Also described as California Coordinate System, Zone 3, North 460,800, East 2,402,300.
 - B) South 2,500 feet and East 900 feet from NW corner of Section 22, T2S, R26E, MDB&M, being within the SW¼ of NW¼ of said Section. Also described as California Coordinate System, Zone 3, North 461,800, East 2,405,600. (0000002)
3. The license condition regarding the purpose of use be amended to read: municipal and domestic (0000003)
4. The license condition regarding the place of use be amended to read:

The " Down-Canyon Water Service Area" is described as follows:

Within the SE¼ of SE¼ of Section 8, within the W½ of Section 9, within the SW¼ and the S½ of NW¼ of Section 15, within the S½ and the NW¼ of Section 16, within the E½ of Section 17, within the E½ of Section 20 within the N½ and the N½ of S½ of Section 21, within the N½ and the NW¼ of SW¼ of Section 22; all being within T2S, R26E, MDB&M, as shown on a map on file with the SWRCB.

(0000004)

5. A new condition be added to the license to read as follows:

The District shall install and maintain a permanent piped bypass around the Fern Creek source sized such that a minimum of 200 gallons per minute will always flow by the diversion regardless of water use by the District, and configured such that it cannot be restricted or plugged. (0050400)
(0350400)
6. The SWRCB'S continuing authority condition be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with the law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

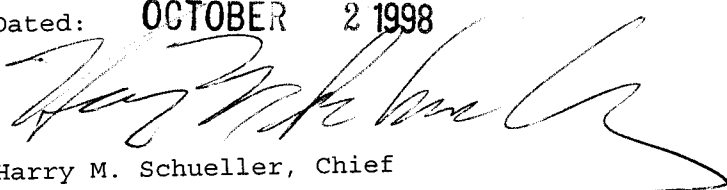
to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce returnflow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: **OCTOBER 2 1998**


Harry M. Schueller, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE **2030**

PERMIT **2029**

APPLICATION **2428**

THIS IS TO CERTIFY, That **Water users of Williams Tract Number 1, (over)**
Pasadena, California.

has made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of **an unnamed stream (spring) in**
Los Angeles County

tributary of **Reverend Creek**

for the purpose of **domestic**
under Permit **2029** of the Division of Water Resources and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources
and the terms of the said permit; that the priority of the right herein confirmed dates from **April 22, 1927;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **three thousand (3000)**
gallons per day from January 1st to December 31st of each season.

The point of diversion of such water is located South two thousand (2000) feet and
west two hundred (200) feet from the northeast corner of Section 21, T 2 S, R 26 E,
M. D. B. & M. and being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 21.

A description of the lands or the place where such water is put to beneficial use is as follows:
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T 2 S, R 26 E, M.D.B. & M.

Except as modified herein, this license is granted and said appropriator
takes all rights herein mentioned subject to all of the terms and conditions
contained in said permit.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be enforceable for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and the state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public

Works of the State of California, this 19th
day of July, 1914

EDWARD HYATT
State Engineer

By Harold Connelley
Deputy

56-80 Asgd to William Tract County
Water Dist.



LICENSE 2030

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO WATER USERS OF WILLIAMS TRACT
NUMBER 1, PASADENA, CALIFORNIA
DATED JUL 19, 1914

82760 3-40 1300 STATE PRINTING OFFICE